

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jason Carl Ista,

Civ. No. 23-2867 (JWB/ECW)

Plaintiff,

v.

Washington County, Washington
County Sheriff's Department,
Dan Starry, Commander Heinen,
and C.O.'s,

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Defendants.

Sarprio Doranti, pro se Plaintiff.

United States Magistrate Judge Elizabeth Cowan Wright issued a Report and Recommendation ("R&R") on March 11, 2024. (Doc. No. 14.) Plaintiff has filed two letters since then. (Doc. Nos. 15, 16.) The deadline for objecting to the R&R has now passed.

Portions of a R&R to which a party objects are reviewed de novo and the recommendations made by the magistrate judge may be accepted, rejected, or modified, in whole or in part. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). When a party fails to file specific objections to an R&R, de novo review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that "are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are

reviewed for clear error”). Any aspect of an R&R to which no specific objection is made is reviewed for clear error. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996); *see also* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Because Plaintiff is *pro se*, his objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

Plaintiff has filed two letters after the issuance of the R&R, and both have been reviewed. Neither letter addresses the R&R or the reasons provided in the R&R for why it is recommended that Plaintiff’s Complaint be dismissed. As a result, Plaintiff has identified no error of law or fact that warrant rejecting the recommendation in the R&R. After reviewing the R&R, it is neither clearly erroneous nor contrary to law. Based on that review, and in consideration of the applicable law, the R&R is accepted in its entirety.

IT IS HEREBY ORDERED that:

1. To the extent that Plaintiff’s letters at Doc. Nos. 5 and 16 raise objections to the Report and Recommendation, they are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 14) is **ACCEPTED**;
3. Plaintiff’s Complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**;
4. Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 2) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: April 23, 2024

s/ Jerry W. Blackwell

JERRY W. BLACKWELL

United States District Judge